

California Regional Water Quality Control Board
Santa Ana Region

Minutes of January 18, 2006
Loma Linda City Council Chambers
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:05 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
John Withers
William Ruh
Jose Solorio
Mary Cramer
Seymour Van Gundy
Deborah Neev

Staff Members Present

Gerard J. Thibeault, Executive Officer
Jorge Leon, Regional Board Staff Counsel
Ted Cobb, Regional Board Counsel
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Robert Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Hope Smythe, Chief of Basin Planning (Inland Waters)
Jun Martirez, Chief of Permitting
Wanda M. Cross, Chief of Basin Planning (Coastal Waters)
Ann Sturdivant, Senior Engineering Geologist
Debi Ney, Governmental Program Analyst
Kamron Saremi, Water Resource Control Engineer
Jessie Powell, Water Resource Control Engineer
Cindy Li, Engineering Geologist
Kevin Heinemann, Staff Information Systems Analyst
Catherine A. Ehrenfeld, Staff Services Analyst
Felipa Carrillo, Executive Assistant

State Board Representative

None present

Public Attendance

Oliver Pacifico, Golden State Water Company
Brandi Sabino, DDB Engineering, Inc.
Steve Arbelbide, California Steel Industries, Inc.
Lindsay Swain, GeoTrans
Pete Duchesneau, Manatt, Phelps & Phillips
Davin Diaz, Center for Community Action and Environmental Justice (CCA EJ)
Anne Briggs, Eastern Municipal Water District
Danielle Sakai, Best, Best & Krieger

Jason Uhley, Riverside County Flood Control & Water Conservation District
Joyce Clark, Eastern Municipal Water District
Zuzanna Rand, City of Beaumont
Laura Larsen, RBF Consulting
Mark Norton, Santa Ana Watershed Project Authority
Jack Nelson, Yucaipa Valley Water District
Bruce Scott, Agriculture
Scott Sommer, Miller Starr & Regalia
Kristal Davis, Wildermuth Environmental
Richard Latteri

Public Forum

There were no speakers.

2. Approval of Minutes

Action: It was moved by Member Withers seconded by Member Ruh and unanimously approved, that the Minutes of the November 16, 2005, Special Meeting and November 18, 2005, Regular Meeting be approved as presented.

3. Consent Calendar

It was noted that Items No. 7, 8 and 9 had errata. Item No. 7 was removed from the Consent Calendar.

- *5. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use** – David & Jennifer Carr, 1340 Highridge Street, Riverside, Riverside County, APN 242-130-013.
- *6. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use**– Nyman & Debra Wilson, 32880 Bryant Street, Wildomar, Riverside County, APN 368-210-013-8.
- *8. **Amendment of General Waste Discharge Requirements for Discharges to Surface Waters That Pose an Insignificant (Deminimus) Threat to Water Quality Within the Santa Ana Region, Order No. R8-2003-0061 (NPDES No. CAG998001).**
- *9. **Amendment of Waste Discharge Requirements for the Eastern Municipal Water District, San Jacinto Valley Regional Water Reclamation Facility, San Jacinto, Riverside County, Order No. 88-94.**
- *10. **Amendment of Waste Discharge Requirements for the City of Redlands Wastewater Treatment Plant, Redlands, San Bernardino County, Order No. 98-54.**

Action: It was moved by Member Ruh and seconded by Member Withers that the Board adopt Orders No. R8-2006-004 with errata, R8-2004-007 with errata, R8-2004-008 with errata and approve the exemptions from minimum lot size requirements requested by David and Jennifer Carr, and Nyman and Debra Wilson.

7. **Renewal of Waste Discharge Requirements for the City of Beaumont's Wastewater Treatment Plant No. 1, Order No. R8-2006-0003 (NPDES No. CA0105376).**

Gerard Thibeault, Executive Officer, briefed the Board on the background of the renewal of the Waste Discharge Requirements for the City of Beaumont's Wastewater Treatment Plant No. 1. Staff received a fax on January 17, 2006 requesting that the hearing on this item be continued. This item was postponed from an earlier agenda at Beaumont's request. Staff recommended that this item not be postponed. Staff believes that the Order precisely implements the maximum benefit commitments by this discharger, and recommended the Board adopt this renewal as proposed.

Speakers on the item:

Kristal Davis, Wildermuth Environmental
Zuzanna Rand, City of Beaumont

Action: It was moved by Member Ruh and seconded by Member Withers that the Board adopt Order No. R8-2006-0003 with errata.

10. **Amendment of Waste Discharge Requirements for the City of Redlands Wastewater Treatment Plant, Redlands, San Bernardino County, Order No. 98-54.**

It was noted that this item was already adopted by the Board as part of the Consent Calendar.

Speaker on this item:

Richard Latteri spoke to the Board concerning interagency coordination between the City of Redlands, the State Department of Health Services and the Regional Board.

18A. **Amended Cleanup and Abatement Order No. R8-2006-0053 issued to Emhart Industries, Inc., et al.**

Information concerning this item is contained in a verbatim transcript of the proceedings.

Ted Cobb, State Water Resources Control Board Assistant Chief Counsel, updated the Board on the Cleanup and Abatement Order issued by staff. A hearing in this matter is expected to be held in July 2006. Emhart requested a postponement of the hearing to October 2006, in light of its proposal to conduct a limited soil and groundwater investigation. The decision to set the hearing date rests with the Board Chair. In order to decide on the request, the Chair desired to hear comments on the proposal from the other Board Members, the designated parties, interested persons and the public. Jorge Leon explained to the Board that Executive Officer Gerard Thibeault, Assistant Executive Officer Kurt Berchtold and Board Counsel Jorge Leon are acting as prosecutorial staff, and that Mr. Cobb is acting as advisory counsel for the Board. Bob Wyatt, representing Emhart, participated via phone.

Kurt Berchtold summarized the history of the perchlorate contamination of the 160-acre site located in Rialto for the new Board Members. A full hearing before the Board on the Cleanup and Abatement Order, which has not yet occurred, is necessary and has been requested by Emhart. Mr. Berchtold also discussed the highlights of the work plan submitted by Emhart. The work plan does not conform to staff's understanding regarding the intended details of the groundwater investigation, and at this time it is Board staff's position that the work plan does not form an adequate basis for the Chair to postpone the Cleanup and Abatement Order hearing until October.

A Pre-Hearing Conference was scheduled for Monday January 23, 2006 at 3:00 p.m. The Board Chair requested Board Members to submit to her their July availability before the Monday conference call to facilitate scheduling of the July hearing.

Speakers on the item were:

Bob Wyatt, Allen Matkins
Dr. George Linkletter, Environ
Peter Duchesneau, Manatt, Phelps and Phillips
Danielle Sakai, Best, Best and Kreiger
Davin Diaz, Center for Community Action and Environmental Justice (CCA EJ)
Scott Sommer, Miller, Starr & Regalia
Steven Elie, Musick, Peeler & Garrett

11. **Report on Development of a Basin Plan Amendment to Incorporate Total Maximum Daily Loads (TMDLs) for the Rhine Channel, Lower Newport Bay.**

Jessie Powell, Water Resource Control Engineer, updated the Board on the history, components, and proposed revisions of the Rhine Channel Project as well as the proposed implementation plan, potential issues and the next steps in this TMDL.

12. **Lake Elsinore and Canyon Lake Nutrient TMDLs.**

Hope Smythe, Chief of Inland Basin Planning, provided an overview and update on the Lake Elsinore and Canyon Lake TMDLs. A Public Meeting is being scheduled to provide a forum to discuss the 13267 letters, to discuss Regional Board permitting and enforcement options and to encourage stakeholders and dischargers to become members of the Task Force.

Speakers on the item were:

Mark Norton, Lake Elsinore San Jacinto Watershed Authority (LESJWA)
Jason Uhley, Riverside County Flood Control and Water Conservation District
Bruce Scott, Agriculture Spokesperson

13. **Administrative Civil Liability Complaint, SunCal Companies, Tract 31462, Beaumont, Riverside County.**

This item was postponed.

14. **Administrative Civil Liability Complaint, H. Hovnanian, Four Seasons, Beaumont, Riverside County.**

This item was postponed.

15. **Administrative Civil Liability Complaint, Castle & Cooke Alberhill Ranch, Tract No 28212-1, 2, 6 and 7, Lake Elsinore, Riverside County.**

This item was postponed.

16. **Administrative Civil Liability Complaint, K. Hovnanian-Forecast Homes, Tracts No. 30789 and 31917, Lake Elsinore, Riverside County.**

This item was postponed.

17. **Administrative Civil Liability Complaint, Forecast Homes, Tract No. 30330, Quail Valley, Riverside County.**

This item was postponed.

18. **Status Report on Rialto-Colton-Fontana Perchlorate Investigation.**

Bob Holub, Supervising Water Resource Control Engineer, briefed the Board on the formation of the Citizens Oversight Committee, made up, in part, by community members, Goodrich, and other interested parties. As directed by the Board, this Committee will meet on a routine basis for the purpose of reviewing the progress of the site investigation. The Committee will also be involved in discussions on the development of the evidence that the Board needs to issue water replacement orders to responsible parties.

Goodrich was expected to soon begin the drilling of their first multi-port monitoring well.

19. **Executive Officer's Report**

Gerard Thibeault briefed the Board on the current events concerning the outcome of the petition of the Robertson's Ready Mix civil liability complaint. Robertson's contended that staff overestimated their total cost savings, and filed a petition for review with the State Board. Staff has reached an agreement with Robertson's on a revised amount for cost savings. If the Board agrees, staff intends to inform the State Board of these changes and to ask the State Board to remand the Robertson's order back to the Board so that it can consider the proposed change.

19B. **Nominating Committee**

Member Van Gundy, on behalf of the nominating Committee, nominated Carole Beswick as Board Chair and John Withers as Board Vice-Chair.

Action: It was moved by Member Van Gundy, seconded by Member Ruh and unanimously approved to accept the nominating Committee's recommendation of Carole Beswick as Board Chair and John Withers as Board Vice-Chair.

20. **Regional Board Member Communications**

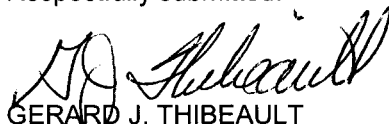
21. **Closed Session**

There was no closed session.

22. **Adjournment**

The meeting was adjourned to the regular meeting of March 3, 2006 a.m., at City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda.

Respectfully submitted:


GERARD J. THIBEAULT
Executive Officer

/cae